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STATE ELECTION COMMISSION HARYANA

NIRVACHAN SADAN, PLOT NO.2, SECTOR 17, PANCHKULA

Order

The 17th November, 2016

No.SEC/3ME/2016/3307.— The General Elections of Municipal Corporation, Gurgaon was held on 15.05.2011 and the result of the elected candidates was declared on 18.05.2011.

2. Section 8B of the Haryana Municipal Corporation Act, 1994, every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent from the date of filing of nomination papers to the date of declaration of the result thereof, both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this behalf. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

3. Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 further provides that if the Election Commission is satisfied that a person –

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure

the Election Commission shall, by order published in the Official Gazettee, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

4. In pursuance of the above provisions, the State Election Commission, Haryana *vide* its Notification No. SEC/3ME/2003/10307, dated 24.12.2003 in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 8B of the Haryana Municipal Corporation Act, 1994 had prescribed the limit of expenditure of Rs. 75,000/- that may be incurred by the contesting candidate or his authorized agent in connection with election of Municipal Corporation, Panchkula and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

5. As reported by the Deputy Commissioner, Gurgaon, the following candidates had contested the election of Municipal Corporation Gurgaon but failed to submit their election expenditure account:-

Sr. No.	Name	Ward No.
1.	Ritesh Saini	1
2.	Mahesh	2
3.	Babita Devi	3
4.	Kamlesh Yadav	3
5.	Yaad Ram Yadav	6
6.	Sarla Devi	7
7.	Deepak Solanki	9
8.	Surinder	9
9.	Satish	10
10.	Meena Rani	11
11.	Sunita Rani Dudeja	11
12.	Ajit Singh	15
13.	Rajesh Sahrawat	15
14.	Bhawna	16
15.	Arun Kumar	17
16.	R.C. Chadha	17
17.	Krishna Devi	18
18.	Lokesh	18
19.	Bhupender Singh	19
20.	Daljit Singh	19
21.	Mukesh Dagar	19
22.	Shiksha Devi	19
23.	Naresh Kumar Goyal	20
24.	Balraj Singh	23
25.	Ishwar Parmar	23
26.	Ravi Shankar	23
27.	Sompal	23
28.	Subhash Pardhan	24
29.	Anil Kumar	25
30.	Naresh Kumar	25
31.	Ram Das	25
32.	Dharmender	26
33.	Seema Phogat	26
34.	Surat Singh	26
35.	Santosh	28
36.	Santosh Thakran	28
37.	Rajesh Kumari	29
38.	Sharmila	29
39.	Amita Yadav	30
40.	Anuradha Tyagi	30
41.	Meena	30
42.	Rajwati	30
43.	Dharamvir	31
44.	Yogesh Kumar	31
45.	Rita Bhatia	33
46.	Kitu Bansi Mathur	34
47.	Nutan Yadav	34
48.	Ram Kishore	35

6. The Commission had served a show cause notice upon them to explain as to why they should not be disqualified on account of non submission of election expenditure account within the period. They neither submitted their election expenditure statement nor responded to the show cause notice. I, had given them personal hearing on 07.11.2016 in the Court Room of Deputy Commissioner, Gurgaon in the interest of justice. Sh. Gulshan Kumar, Accounts Officer, represented the Deputy Commissioner, Gurgaon.

7. The above mentioned contesting candidates did neither appeared before me nor filed any representation despite the notice served upon them vide dated 03.11.2016 by the Revising Authority concerned. Therefore, it can be concluded that they have nothing to say in the matter. Hence, the above noted candidates deserve to be disqualified. I, Dr. Dalip Singh, State Election Commissioner, Haryana, in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India and Section 8D of the Haryana Municipal Corporation Act, 1994 read with Section 10 A of the Representation of People Act, 1951 and all other powers enabling it in this behalf hereby order that all the above 48 candidates be disqualified for being chosen as, and for being a member of Municipality for a period of three years from the date of this order.

8. The office is directed to send a copy of this order to the candidate concerned through Deputy Commissioner, Gurgaon immediately.

Panchkula:
The 7th November, 2016.

DR. DALIP SINGH,
State Election Commissioner, Haryana.